REMARKS

Applicant's Attorney respectfully requests a telephone interview concurrent with examination of the present amendment to discuss the amendment and any remaining issues in this application.

Applicants also note that the present Office Action follows a decision from a Pre-Appeal conference that indicated all pending claims were allowable over the art of record at that time. This art included Chainer et al., Takaishi et al. and Lee. The present Office Action is based in part on a newly cited reference, Hasagawa et al., U.S. Patent No. 6,496,322.

Based on the arguments presented in Applicants' Request for a Pre-Appeal Review and the favorable decision from the conference, it is presumed that the presently pending claims are allowable over the previously-cited references and that the following claim rejections should be withdrawn: rejections under §102(e) based on Chainer et al.; rejections under §102(e) based on Takaishi et al.; rejections under §103(a) based on Chainer et al. in view of Takaishi et al.; and rejections under §103(a) based on Chainer et al. in view of Lee. Applicants' previous arguments are hereby incorporated herein.

The present response is therefore limited to the newly-cited reference.

I. CLAIM REJECTIONS UNDER §102(b) BASED ON HASAGAWA ET AL.

Claims 1, 3, 5, 8-12, 14-16 and 23 were rejected under §102(b) as allegedly being anticipated by Hasagawa et al., U.S. Patent No. 6,496,322.

A. **Hasagawa et al.**

Hasagawa et al. disclose a head position control for a disc drive in which the object is to maintain high-speed access, even if a track defined in terms of servo information is eccentric with respect to the center of rotation. (Column 2, lines 52-57). Hasagawa et al. describe that, in the past, feedback control was performed so that the head passed midway between two phase servo bursts (i.e., the head follows the track center). Control was performed so that the head moved along the circular servo track. (Column 3, lines 8-14). In contrast, the head position control of Hasagawa et al. performs control so that the head moves along a circular rotation path concentric with the rotation of the disc, even if the servo path defined by the servo

information recorded on the disc is eccentric with respect to the center of the rotation. (Column 3, lines 23-29). This is accomplished by controlling the signal strength ratio between signals detected from the two phase servo burst to a prescribed value at each angular position of the rotation. (Abstract, Fig. 3, column 7, lines 9-29).

The discussion in column 8, line 62 to column 9, line 3 (cited by the Examiner) explains a method of measuring the eccentricity of the servo circular path with respect to the circular rotational path. Hasagawa et al. explain, "for example, the disc can be rotated while the head 13 is pressed up against a holding means such as a carriage stopper or the like, the measurement being performed by having the head 13 detect the servo information on the disc."

This information is used to pre-calculate the movement information in the radial direction for each sector for the purpose of achieving a circular rotation path. The eccentricity movement information is stored in a circular rotational path position table within in eccentricity data memory 41. (Column 8, lines 52-56; column 10, lines 41-48; FIG. 6).

Column 12, lines 11-20 describe that eccentricity data measurement section 40 (FIG. 6) measures the "amount of eccentricity and angle of eccentricity of the servo track with respect to rotational center, the results being stored in the eccentricity data storage section 41." As described in column 12, lines 54-61, the carriage contacts outer stopper 31 and the head 13 is held in this fixed position. The disc 14 is caused to rotate and the coordinate values of the circular rotational paths are measured "in terms of the servo track coordinates that are recorded on the disc." If control is performed so that the head 13 passes by these coordinate values in servo track coordinates, it will describe a circular path of rotation having the center of rotation as its center." (Column 12, lines 49-61). "From the measured coordinated values, the amount and angle of eccentricity of the servo track (servo circular path) with respect to circular rotational path are calculated." (Column 12, lines 62-64).

B. **Independent Claim 1**

Independent claim 1 is amended to clarify that the actuator is urged into a stationary lateral position against a stop while a plurality of partly accessible tracks on the surface are sensed.

Claim 1 is further amended to clarify that an accessible track range is defined that includes fully accessible tracks on the surface and excludes the sensed plurality of partly accessible tracks.

Although Hasagawa et al. makes the carriage come into contact with outer stopper 31 to hold head 13 in a stable fixed position, the Hasagawa et al. reference is focused on measuring the amount of eccentricity and the angle of eccentricity of the servo tracks with respect to the rotational center such that the head can be controlled to follow a circular path about the center of rotation, as opposed to the servo path (column 12, lines 14-28).

Hasagawa et al do not disclose a step of sensing a plurality of partly accessible tracks on the surface and defining an accessible track range for the service that includes fully accessible tracks on the surface and excludes the sense plurality of partly accessible tracks. Hasagawa et al. has nothing to due with defining an accessible track range.

Accordingly, Hasagawa et al. do not anticipate the elements of claim 1 or its dependent claims 2-9.

C. **Independent Claims 10 and 23**

Independent claims 10 and 23 include similar limitations that are not anticipated by Hasagawa et al.

Accordingly, Applicants respectfully request that the rejection of claims 1, 3, 5, 8-12, 14-16 and 23 be withdrawn.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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